UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

In re: Mortgage Foreclosure Cases	)	Misc. No. 11-mc-88-M-LDA

REQUEST TO DISBURSE FUNDS

Now comes the Special Master appointed in the above captioned case and requests permission to disburse Use and Occupancy fees in the amounts referenced and from the subaccounts in which they are now held. This request is in accord with the stipulations filed by the respective parties and constitutes an agreed-upon disposition of the escrowed funds.

Per the Text Order of the court, dated April 9, 2013, if a party is a named recipient, payments by the Special Master from said escrow account shall be made to the lead attorney of record for the party to whom the disbursement is to be made.

Per the Text Order of the Court, dated May 29, 2014, the Special Master has deducted sufficient funds to satisfy outstanding retainer invoices where appropriate, as indicated below.

CA 12-017 **Marsh et al v. Mortgage Electronic Registration Systems, Inc. et al**
All Use & Occupancy fees held in escrow (which currently total $24,000) shall be disbursed as follows: (1) the sum of $140 to the Fee Billing Escrow Fund, as payment for the Plaintiffs' outstanding retainer invoice; (2) the sum of $19,860 to the Plaintiffs, Gary Marsh and Robin Marsh [payment to be made to Mindy Montecalvo, as attorney for Gary Marsh

and Robin Marsh]; and (3) the sum of $4,000 to Defendants Mortgage Electronic Registration Systems, Inc., and Bank of America, N.A. [payment to be made to Seyfarth Shaw, LLP, as attorneys for Mortgage Electronic Registration Systems, Inc., and Bank of America, N.A.].

CA 12-181 **Brunelle v. Mortgage Electronic Registration Systems, Inc. et al**

All Use & Occupancy funds held in escrow (which currently total $4,440) shall be disbursed as follows: (1) the sum of $2,220 to the Plaintiff, John Brunelle [payment to be made to Mindy C. Montecalvo, as attorney for John Brunelle]; and 2) the sum of $2,220 to Mortgage Electronic Registration Systems, Inc., Fleet National Bank, and PHH Mortgage Corporation [payment to be made to Shechtman Halperin Savage LLP, as attorneys for Mortgage Electronic Registration Systems, Inc., Fleet National Bank, and PHH Mortgage Corporation].

CA 12-825 **Pruenca, IV et al v. Mortgage Electronic Recording Systems, Inc. et al**

All Use & Occupancy funds held in escrow (which currently total $3,660) shall be disbursed to the Plaintiffs, Julio Pruenca, IV, and Charlene Pruenca [payment to be made to Keven McKenna, as attorney for Julio Pruenca, IV, and Charlene Pruenca].

CA 13-358 **Scudder v. Deutsche Bank National Trust Company et al**

All Use & Occupancy funds held in escrow (which currently total $140) shall be disbursed as follows: (1) the sum of $70 to the Plaintiff, Theresa Ann Scudder [payment to be made to Proulx Law Associates, as attorney for Theresa Ann Scudder]; and (2) the sum of $70 to the Fee Billing Escrow Fund, as partial satisfaction for Homeward Residential, Inc.'s outstanding retainer invoice.

The below Plaintiffs recently dismissed their case voluntarily. Prior to the voluntary dismissal there was no legal claim of entitlement to the Use & Occupancy funds filed by Defendants. Therefore, consistent with the Court's global order of June 25, 2014 (ECF 2343, pp 4-5), the Special Master requests permission to disburse the Use & Occupancy funds as follows:

CA 11-368 **Schooler v. Argent Mortgage Company LLC et al**

All Use & Occupancy funds held in escrow (which currently total $8,640) shall be disbursed as follows: (1) the sum of $140 to the Fee Billing Escrow Fund, in satisfaction of the Plaintiff's outstanding retainer invoice; and (2) the sum of $8,500 to the Plaintiff, Diane Schooler [payment to be made to Mindy Montecalvo, as attorney for Diane Schooler].

CA 11-657 **Coelho et al v. Gateway Bank, F.S.B.**

All Use & Occupancy funds held in escrow (which currently total $8,180) shall be disbursed to the Plaintiffs, Keith Coelho and Carleen Coelho [payment to be made to Keven McKenna, as attorney for Keith Coelho and Carleen Coelho].

CA 12-236 **Wallace, III et al v. America's Wholesale Lender et al**

All Use & Occupancy funds held in escrow (which currently total $4,160) shall be disbursed to the Plaintiffs, William Wallace, III and Maria Wallace [payment to be made to Mindy Montecalvo, as attorney for William Wallace, III and Maria Wallace].

CA 12-871 **Dan-Harry v. National City Bank of Indiana et al**

All Use & Occupancy funds held in escrow (which currently total $3,360) shall be disbursed as follows: (1) the sum of $250 to the Fee Billing Escrow Fund, as payment for his outstanding retainer invoices; and (2) the sum of $3,110 to the Plaintiff, Dawari Dan-Harry [payment to be made to Keven McKenna, as attorney for Dawari Dan-Harry].

CA 13-015 **Johnson v. Federal National Mortgage Association**
All Use & Occupancy funds held in escrow (which currently total $3,660) shall be disbursed as follows: (1) the sum of $250 to the Fee Billing Escrow Fund, as payment for the Plaintiff's outstanding retainer invoices; and (2) the sum of $3,410 to the Plaintiff, April Johnson [payment to be made to Keven McKenna, as attorney for April Johnson].

CA 13-068 **Romano et al v. Mortgage Electronic Registration Systems, Inc. et al**
All Use & Occupancy funds held in escrow (which currently total $2,000) shall be disbursed to the Plaintiffs, David Romano and Crystal Romano [payment to be made to Mindy Montecalvo, as attorney for David Romano and Crystal Romano].

CA 13-075 **Goncalves et al v. Mortgage Electronic Registration Systems, Inc. et al**
All Use & Occupancy funds held in escrow (which currently total $2,600) shall be disbursed to the Plaintiffs, Jose Goncalves and Candida Semedo [payment to be made to Mindy Montecalvo, as attorney for Jose Goncalves and Candida Semeda].

CA 13-108 **Alves et al v. Mortgage Electronic Registration Systems, Inc. et al**
All Use & Occupancy funds held in escrow (which currently total $2,850) shall be disbursed to the Plaintiffs, Joao Alves and Maria Alves [payment to be made to Mindy Montecalvo, as attorney for Joao Alves and Maria Alves].

CA 13-110 **DaRosa v. Mortgage Electronic Registration Systems, Inc. et al**
All Use & Occupancy funds held in escrow (which currently total $3,350) shall be disbursed to the Plaintiff, Salvador DaRosa [payment to be made to Mindy Montecalvo, as attorney for Salvador DaRosa].

The below case was dismissed by this Court on August 4, 2014. On August 13, 2014, counsel for the Defendants notified the Special Master's Office that Defendants were waiving their interest in the Use & Occupancy Fees. Accordingly, the Special Master requests permission the Use & Occupancy funds as follows:

CA 13-245 **Valerio v. Federal National Mortgage Association et al**
All Use & Occupancy funds held in escrow (which currently total $500) shall be disbursed as follows: (1) the sum of $140 to the Fee Billing Escrow Fund, as payment for the Plaintiff's outstanding retainer invoice; and (2) the sum of $360 to the Plaintiff, Jose Valerio [payment to be made to Todd Dion, as attorney for Jose Valerio].

Respectfully submitted,

Barbara Hurst
Deputy Special Master

8/18/2014
Date

IT IS SO ORDERED.

John J. McConnell, Jr.
United States District Judge

8/18/14
Date